

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

Crl.Rev.Pet.No. 290 of 2003()

CRA.53/1999 of ADDL.SESIONS COURT, MANJERI
CC.210/1997 of JUDL.MAGISTRATE OF FIRST CLASS-II(FOREST OFFENCES),
MANJERI

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REVN. PETITIONER: APPELLANTS

1. ABDU S/O. MUHAMMED, PALERI HOUSE,
KALLIAPOTTY, NILAMBUR TALUK.
2. UMMER S/O. MOHAMMED,
THJAITHODIKA HOUSE, KALLAIPOTTY, NILAMBUR TALUK
3. ALAVI S/O. MUHAMMED,
THANNIKADAVU, NILAMBUR TALUK.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS:

1. THE DEPUTY RANGER, POTHUKAL FOREST
STATION, MALAPPURAM DISTRICT
2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM

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BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 13/11/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ORDER ON CRL.M.P.NO.996/2003 IN CRL.R.P.NO.290/2003

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

13/11/2007

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K.R.UDAYABHANU, J.

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Crl. R.P.No.290 of 2003-B
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Dated this the 13th day of November, 2007

O R D E R

The revision petitioners are the accused in C.C.No.210/1997 in the file of the Judicial Magistrate of the First Class-II (Forest Offences), Manjeri, who stands convicted for the offences under Sections 27(1)(e) (iii) & (iv) of the Kerala Forest Act on the allegation that the first and second accused trespassed into the Government reserve forest area and attempted to cut and remove trees and that the third accused trespassed into the forest area. They stand convicted and sentenced to undergo rigorous imprisonment for one year each and to pay a fine of Rs.2,000/- each and in default to undergo simple imprisonment for three months each for the offence under Section 27(1)(e)(iv) of the Kerala Forest Act and; the first and the second accused are further sentenced to undergo rigorous imprisonment for one year each and to pay a fine of Rs.2,000/- each and in default to undergo simple imprisonment for three months each for the offence under Section 27(1)(e)(iii) of the Kerala Forest Act and also to pay a compensation of Rs.2,000/- each to the Government for the offence.

2. The counsel for the revision petitioners has only pleaded for modification of the sentence pointing out that the incident has taken

place about 14 years back and so far the accused were facing the criminal proceedings and that the sole means of livelihood of the families of the accused are the income of the accused. The loss sustained is alleged as only Rs.300/-. In the circumstances and considering the long lapse of time, the sentence imposed on the first and second accused for the offence under Section 27(1)(e)(iii) is modified to imprisonment till the rising of the court and to pay a fine of rupees five thousand each and in default to undergo simple imprisonment for one month each; and to remit a compensation of rupees twenty thousand each and in default to undergo simple imprisonment for six months each. No separate sentence is awarded for the offence under Section 27(1)(e) (iv). The sentence imposed on the third accused for the offence under Section 27(1)(e)(iv) is modified to imprisonment till the rising of the court and to pay a fine of rupees five thousand and in default to undergo simple imprisonment for one month and to remit a compensation of rupees twenty thousand and in default to undergo simple imprisonment for six months. The revision petitioners/accused are granted three months time to remit the fine and compensation amounts. They shall appear before the Judicial Magistrate of the First Class-II (Forest Offences), Manjeri, on 13/02/2008 to receive the sentence. The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
Judge

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